UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

LARRY JAMES RAINEY,   §
                                            §
        Plaintiff,   §
VS.   §   CIVIL ACTION NO. C-06-97
                                            §
MAXMILIANO HERRERA, *et al*,   §
                                            §
        Defendant.   §

ORDER REGARDING MOTION TO PROCEED *IN FORMA PAUPERIS*

The Court has considered the appellant's application for leave to proceed *in forma pauperis* on appeal and his trust account information (D.E. 41).   Petitioner/appellant six-month trust fund statement indicates he has **$15.78** in his account.

The court **ORDERS** that:

1.   The appellant is assessed an initial partial filing fee of **$4.80**.   The agency having custody of appellant shall collect this amount from the inmate's trust account when funds are available and forward it to the court.

2.   Thereafter, the appellant shall pay **$450.20**, the balance of the filing fee, in periodic installments as required by 28 U.S.C. § 1915(b)(2).   The agency shall forward 20% of each deposit made to the plaintiff's account whenever the balance in the account exceeds $10. This amount shall be collected from the appellant's trust account, when funds are available, and forwarded to the Clerk of the District Court.

3.   The plaintiff shall sign all consents and other documents required by the agency having custody of plaintiff to authorize the necessary withdrawal from the plaintiff's inmate trust account.

4. The application for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915 (D.E. 41) is GRANTED.

5. The Clerk shall send a copy of this Order to Office of TDCJ Litigation Support, P.O. Box 13084, Austin, TX 78711 and TDCJ Local Funds Division, P.O. Box 629, Huntsville, TX 77342-0629.

NOTICE TO THE APPELLANT:

If you do not wish to pay the appellate filing fee as set forth in this Order, you must notify the Court in writing, by letter or motion, that you do not wish to prosecute the appeal. Your notice must be mailed within 30 days of the date of this Order.

ORDERED this 19th day of July, 2007.

B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE